

India

STATUS OF HUMAN RIGHTS IN MANIPUR

BROKEN PROMISES AND ABDICATED OBLIGATIONS

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The constituent members of the Civil Society Coalition on Human Rights in Manipur and the UN endorsing this submission are:

Centre for Organisation Research & Education (CORE)

Centre for Research and Advocacy Manipur (CRAM)

Citizens Concern for Dams and Development (CCDD)

Civil Liberties and Human Rights Organisation (CLAHRO)

Civil Liberties Protection Forum (CLPF)

Committee on Human Rights, Manipur (COHR)

Extra-judicial Execution Victim Families' Association Manipur (EEVFAM)

Families of the Involuntarily Disappeared's Association Manipur (FIDAM)

Human Rights Alert (HRA)

Human Rights Initiative (HRI)

Human Rights Law Network Manipur (HRLN-M)

Indigenous Perspective (IP)

Just Peace Foundation (JPF)

Movement for Peoples' Right to Information Manipur (M-PRIM)

Threatened Indigenous Peoples Society (TIPS)

United Peoples Front (UPF)

A. Introduction

1. This report is the second submission by the Civil Society Coalition on Human Rights in Manipur and UN concerning the Universal Periodic Review of India, prepared through a collective consultative process, consisting of informal and formal meetings, conducted from August to September 2016.
2. The report focuses on the continuing serious concerns regarding the human rights situation prevailing in Manipur of India. Manipur remains one of the States with a continuous peoples' movement for the right to self-determination which has been subjugated by the Government of India.
3. Manipur, situated in the Northeastern region, sharing an international border with Myanmar (Burma) is inhabited by over 36 distinct indigenous communities, with as many languages. Since the early 20th century, the native communities asserted their identities as "indigenous peoples" with ongoing peoples' struggles and the imposition of an unremitting *de facto* martial law and state of emergency since the 1950s. Numerous human rights violations by the state and its security forces including the police, violent repression of peaceful assembly and associations, and the freedom of expression have continued.

B. Background

4. At the international level, we share the increasing concerns voiced regarding the spreading and persisting armed conflicts across the world despite many efforts for dialogues and settlement and the rapid destruction of Earth's biosphere by human action and neglect. On one hand, the positive advances made towards world peace and sustainable development has remained largely within the domain of unfulfilled commitments and expressions of intent by states. On the other, states have increasingly openly and deliberately flaunted human rights protection and promotion.

C. The Universal Periodic Review and India's context

5. The UPR process, in our view, is not merely an exercise confined to the United Nations system. The key element of the UPR lies in the progress made in promoting and protecting human rights at the domestic level and the substantive and positive changes in the sphere of law, policy, programme including appropriately balanced budgetary allocations, governance that directly affect the citizens, especially the vulnerable sections of the population.
6. The peer review process can only become meaningful if recommendations arising from the review are accepted considering the holistic nature of human rights, and when commitments and guarantees existing in the national constitution, standing statutes, laws and policies are fulfilled. In this context, there remain very substantive gaps between the information shared by governments and other stakeholders, the recommendations arising therefrom, the acceptance of such recommendations and their implementation at the domestic level.
7. India's approach to this review of deciding to selectively "accept" specific human rights recommendations regarding the outcome of UPR I and UPR II reviews undermines the basic principle of human rights, i.e., universality, indivisibility, interrelatedness, interdependence and also defeats the purpose of setting up such principles and mechanisms to monitor the implementation and achievements.
8. It is also highly problematic that recommendations arising from the peer review have been "accepted" or "not accepted" without parliamentary scrutiny and public accountability, according to the convenience of a limited examination at the diplomatic levels only.
9. There is failure on the part of India as guaranteed under Article 253 of its Constitution in fulfilling international human rights obligations by making necessary and appropriate legislation or incorporating new amending provisions in existing domestic laws in accordance with international standards.

10. The implementation of the specific recommendations to repeal or to review the Armed Forces Special Powers Act, 1958 for its compliance to international human rights standards remain unaccepted. On the contrary, the Act continues to be extended in Manipur¹.
11. India accepted the recommendation from UPR 2, proposed by Nicaragua, to “*continue including civil society participation in the UPR process*”. This follows up from the accepted recommendation from UPR 1 to “*continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation*”. This obligation also includes India’s commitment to adhere and comply with all the international human rights mechanisms within the United Nations system.
12. However, an inclusive civil society consultation for the preparation of UPR remains an illusion. No implementation and monitoring process for UPR with the inclusion of wide civil society participation exists in India.
13. In the context of the inclusive and universal principles of human rights, India’s present increasing efforts to suppress and curtail the human rights activities of civil society organisations, particularly non-government organisations (NGOs), through legalistic and new policy initiatives, runs counter to this obligation. NGOs across the country working on the issues of non-discrimination, sustainable development, biological diversity conservation, and protection of indigenous and tribal people’s lands and territories are being targeted to stop activities under the pretext of national security and development (**Annexure I**).
14. In particular, NGOs receiving grants from charities from foreign humanitarian sources, and even the UN Voluntary Fund, to undertake activities for the benefit of torture victims, the disabled, tribal communities, the poor and other vulnerable populations are being targeted.
15. India accepted to “*receive as soon as possible the Special Rapporteur on the question of torture*” (UPR 1) and to “*continue cooperating with Special Procedures and accept, in particular, requests for visits from Special Rapporteurs*” (UPR 2). However, the one from the Special Rapporteur on the question of torture has been pending for 18 years.
16. India also accepted to “*take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation*”. It is our submission that this recommendation and its acceptance (UPR 1) has not resulted in any relevant follow-up action.
17. India has also consistently accepted the recommendations from UPR 1 and UPR 2 to expedite and finalise the ratification of the Convention against Torture and its Optional Protocol. Nothing has happened that signifies any sincerity regarding this obligation.

D. Civil and Political Rights Violations

i. Denial of Right to Self Determination

18. Manipur, in India’s Northeastern region has been recognized as an independent country as early as 550 B.C in the Burmese royal chronicles and in 33 A.D as per Manipur’s own royal chronicle, the *Cheitharol Kumpaba*, and has never been part of British India. Manipur’s political independence had been internationally reaffirmed, among others, by the Anglo-Manipuri Defence Treaty (September 14, 1762) and the Anglo-Burmese Yandaboo Treaty (February 24, 1826).
19. The British did not annex Manipur after her defeat in the Anglo-Manipur War, 1891. Manipur regained her sovereign status on August 14, 1947 only to be annexed by India on October 15, 1949. The first democratic election of Manipur was held in August 1948 under the Manipur Constitution Act, 1947, thereby creating the popular Manipur Legislative Assembly and a Council of Ministers.

¹ AFSPA extended in Manipur by another year 2 December 2015, Times of India:

<http://timesofindia.indiatimes.com/city/imphal/AFSPA-extended-in-Manipur-by-another-yr/articleshow/50007112.cms>

20. India's Merger Agreement with Manipur was forcibly extracted on September 21, 1949, and relegated Manipur to the status of 'Part C' State. No referendum/plebiscite of the people of Manipur on the merger issue has ever been held. With the forced annexation, the Manipur people's right to self-determination is yet to be exercised.
21. The forcible annexation and resultant military occupation of the sovereign state of Manipur in 1949 has been opposed since the annexation. Various popular democratic opposition groups have been undertaking resistance movements, including armed opposition, against the Indian State ever since.
22. By the willful denial of the inalienable right to self-determination to the people of Manipur, India has blatantly violated Article 1 of two International Covenants, ICCPR and ICESCR to which the Government is a respected party, notwithstanding the fact that India has played a crucial role in adopting UN General Assembly resolution² on the "*Declaration on the Granting of Independence to Colonial Countries and Peoples*" in 1960.
23. The UN Human Rights Committee (HRC), after consideration of India's 3rd Periodic Report under ICCPR (1997), had pointed out that the problem is political and that the approach to resolving it must also, essentially, be political in nature³. The HRC informed the Government of India to bear in mind the right to self-determination of peoples, the right to freedom of expression and the right to participation in governance.

ii. Security Laws/Apparatus & Militarisation

24. The Government of India continues to adopt a military response to the political struggle in Manipur, by enacting emergency legislations and introducing security apparatuses armed with overwhelming force. Massive deployment of armed forces and military actions are undertaken under the Armed Forces (Special Powers) Act, 1958 (known as AFSPA). The recommendation to ratify the Convention against Torture (CAT) and to end practice of torture remains unheeded (UPR 1 and 2). The ratification of the Convention on the Protection of All Persons against Enforced Disappearances, which was accepted in the UPR 1, was rejected in UPR 2.
25. Other security related legislation including, *inter alia*, (i) Unlawful Activities (Prevention) Act, 1967 (UAPA), (ii) Prevention of Seditious Meetings Act, 1911, (iii) Official Secrets Act, 1923, (iv) Maintenance of Public Order Act, 1947, (v) Punjab Security of the State Act, 1953, (vi) National Security Act, 1980 (NSA), (viii) Code of Criminal Procedures (Manipur Amendment) Act, 1983, and (ix) National Investigation Agency Act, 2008 (NIA) were introduced.
26. India continues to declare the non-state organisations of Manipur demanding the right to self-determination as "terrorist" under the Unlawful Activities (Prevention) Act.

iii. Gross Violations under de facto State of Emergency

27. Manipur has become one of the most militarized areas of the world. In the prevailing armed conflict situation of Manipur, not less than 50,000 Indian soldiers in addition to several thousands of police, mercenaries, intelligence agencies, etc., in a population of below 3 million are deployed. With the enactment of AFSPA, massive deployment of armed forces in Manipur continued; the armed forces are occupying sacred cultural sites, schools, health centres, local government offices and prime agricultural land.
28. Many education institutions like Manipur University continue to be occupied by the Assam Rifles. Mass graves are discovered from schools formerly occupied by the Indian security forces, such as the Tombisana High School in the heart of Imphal City, the State's capital. The Government of India has

² <http://www.un.org/en/decolonization/declaration.shtml> Declaration on the Granting of Independence to Colonial Countries and Peoples: Adopted by General Assembly resolution 1514(XV) of 14 December 1960

³ <https://www.hrw.org/reports/1999/india/India994-21.htm> Para 18, Concluding observations of the Human Rights Committee: India

failed to conduct any impartial investigation into the case of discovery of mass graves in Tombisana High School in Imphal, Manipur. Despite of the plea of the Families of the Involuntary Disappeared Association Manipur (FIDAM) to scientifically conduct exhumation of the site, the government has continued excavation and construction of a shopping complex by destroying the vital evidence. The government has not responded to the repeated queries of the UN Working Group on Enforced and Involuntary Disappearances.

29. While India refutes the existence of a *de jure* armed conflict situation in Manipur, it tacitly acknowledges the *de facto* existence of armed conflict, a fact proven by the numerous military operations and related activities undertaken under different operational code-names, such as, *inter alia*, operations (Annex see table). The refutation denies the civilian population and the combatants from the protection of international humanitarian law and the services of the International Committee of the Red Cross (ICRC).
30. The AFSPA, couched in the colonial Armed Forces (Special Powers) Ordinance promulgated by the colonial British government on August 15, 1942 to suppress “Quit India Movement” was imposed despite the stern opposition of representatives of Manipur to the Indian Parliament. Manipur’s Member of Indian Parliament (MP), Mr. Paonam Achou strongly opposed the Bill to enact the AFSPA, 1958 in the parliamentary debate on 18th August 1958.
31. The invocation of AFSPA for half a century in Manipur has blatantly violated non-derogable rights, primarily the “right to life” provided by Article 4 of the ICCPR. Under Section 3 of AFSPA, Manipur has been declared as a “disturbed area”. Under section 4(a) of AFSPA, a non-commissioned officer of the Indian army can shoot to kill in mere suspicion of crimes defined by the Government.
32. The invocation of AFSPA in Manipur and India’s NE region has violated Article 4 (a) of ICCPR on declaration of “States of Emergency” since *de facto* emergency has been imposed without formal promulgation of any form of public emergency.
33. Section 6 of the AFSPA specifies that, “[N]o prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act”.
34. Recommendations of the UPR 1 and 2 regarding AFSPA, 1958 are not accepted by India. AFSPA was further extended for one more year in Manipur on December 2015. The AFSPA, 1958 continues to be enforced and there are no processes for repeal or review. The AFSPA, 1958 is also freshly introduced in 12 Districts of Arunachal Pradesh, bordering Assam, despite wide objections.
35. The typical response of the Government to cases of rampant human rights violation both by the armed forces and the law enforcing agencies in Manipur is, under immense public pressure, the institution of judicial and magisterial inquiries from time to time. A basic problem of setting up such inquiries is the lack of transparency, concealing of inquiry reports without any action being taken up against the perpetrators.
36. There is deliberate or inordinate delay in executing speedy trial of all human rights cases pending in various courts of the country. There is need for speedy trial of all human rights related cases by instituting special court for the purpose.
37. Justice Jeevan Reddy Review Committee on AFSPA, 2005, the Committee on the Elimination of Racial Discrimination (CERD)⁴, the Committee on Economic, Social and Cultural Rights (CESCR),

⁴<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2fPPRiCAqhKb7yhsgU0zkGW3DaEaEZzdGAfeNjaOkporzAddUxC4IWuaHOI%2fa2rFrSfdTflXZNxVfPK2In4pk6vFaETwOuqs2KqTD4UBHoaYzs5VDvOKrUoqbzE>; Para 12: Concluding observations of the Committee on the Elimination of Racial Discrimination : India

2007⁵, and the Committee on Elimination of All Forms of Discrimination Against Women (CEDAW)⁶ and the UN Special Rapporteur on human rights defenders, violence against women and extrajudicial executions during their visits in Manipur and in North East India in 2011, 2012 and 2013 have recommended the repeal of the AFSPA, 1958, However, these recommendation have remained unheeded by India.

38. The Manipur Human Rights Commission (MHRC) has remained defunct since 2010 as no new members has been appointed by the Government despite of an order of the Gauhati High Court.

iv. *Impact of Militarisation*

39. ***Extra-judicial, summary and arbitrary executions*** in Manipur, mostly of young men, resulted in the proliferation of young widows and orphans. The widows face the burden of being a young widow in Manipur. The families of the victims of extra-judicial executions formed an association in 2009 called ‘Extra-judicial Executions’ Victim Families Association, Manipur’ (EEVFAM). Their requests to register under the Societies Registration Act 1989 were denied by the Government of Manipur, thereby also denying their right to freedom of association. Members of the society continue to be denied welfare and rehabilitation benefits from the State.
40. EEVFAM moved the Supreme Court of India seeking justice and reparation for 1528 victims of extra-judicial executions. In this case, EEVFAM vs. Union of India, writ petition (criminal No. 129 of 2012), the Supreme Court appointed a commission to inquiry into six randomly chosen cases. The commission found none of the cases to be genuine as claimed by the security forces and none of the victims have any established criminal records as claimed by the security force. In its interim judgment the court asserted that all the cases of excesses and retaliatory killings should be probed. But it is still not clear what would be the nature of the probe.
41. The law enforcement agencies in Manipur are also responsible for a wide range of human rights violations, often committed in close coordination with the Indian armed forces. The Manipur police commandos are also primarily responsible for committing a series of extra-judicial executions in the pretext of encounter killings in Manipur. The case of the extra-judicial execution of Chungkham Sanjit and Thokchom Rebina on July 23, 2009 by Manipur police commandoes, in the middle of Imphal in full public view, remains an infamous case and stark evidence of how the law enforcing agencies perpetrate human rights violations with impunity in Manipur. Thounaojam Herojit, the head constable who actually pulled the trigger confessed publically of this deed, but he also admitted that he did so following orders from his superiors. Thounaojam Herojit is facing trial but not his superiors who turned him into a killing machine.
42. The practice of torture continues with impunity. In Manipur, almost every person who is arrested or detained is tortured; and the common methods include verbal abuse, psychological torture, blind-folding, hooding, beating, electric shocks to the genitalia, water-boarding, etc. Only a few survivors of torture dare to make formal complaints to the authorities; however, the institutional response of the judiciary as well the State and National Human Rights Commissions is to retraumatise the complainant, discourage and demoralise them.
43. ***Enforced Disappearances:*** Notwithstanding Government of India’s commitment to ratify CED, no concrete positive steps have been taken by the Government of India to ratify the CED. On the other hand, the phenomenon of enforced disappearances continues in Manipur. The practice of secret detention and elimination persists.

⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/436/08/PDF/G0843608.pdf?OpenElement>; Para 50:
Concluding Observations of the Committee on Economic, Social and Cultural Rights: India

⁶ CEDAW/C/IND/CO/4-5; Para 13: Concluding observations on the combined fourth and fifth periodic reports of India

44. ***Discovery of Mass Grave in Tombisana High School:*** At least eight human skeletal remains were found on December 25, 2014 at the campus of Tombisana High School in the heart of Imphal Town in Manipur in India's Northeast by labourers engaged in construction work for a new market complex. The school was formerly occupied for almost three decades by the Central Reserve Police Force, the Border Security Forces Manipur Police Commandoes and very close area of Joint Interrogation Cell.
45. The discovery of skeletal remains and skulls has raised suspicions, especially among the families of those disappeared in the hands of Indian Army paramilitary units that the skeletal remains were those of their missing and loved ones whose bodies were never recovered. Various cases of enforced disappearances (1980-2000) were recorded in which the main perpetrator were Central Reserve Police Force, the Assam Rifles, J&K light infantry, Madras Regiment, Sikh infantry etc. Under intense public pressure, the Government of Manipur on December 29, 2014 decided to hand over the investigation on skulls recovery to the Central Bureau of Investigation (CBI), which never takes place. (Annex - Also See Memorandum of the Committee on Mass Grave at Tombisana High School, submitted to the Chief Minister of Manipur, dated January 25, 2015).

v. *Movement for Plebiscite*

46. One of the armed opposition groups in Manipur such as the UNLF has called for plebiscite since 2005. The first phase of public deliberations on the issue ended by 2006 and the second phase resumed after the arrest of R.K. Sanayaima on September 29, 2010 in Bangladesh.
47. However, there was no positive response from the Government of India. Since India considers the problem in Manipur to be an internal problem it does allow the involvement of a third party, including the United Nations, to settle its internal affairs. In fact, the public meetings were considered to be seditious and many people were arrested under the National Security Act. Police repression ended the movement for plebiscite by the year 2011.

vi. *Political Prisoner*

48. As per the National Crime Record Bureau, of the total number of detainee under the Unlawful Activities Prevention Act in India, Manipur constitute 64 percent, this is highly disproportionate considering the fact that Manipur's population is a minuscule 0.4 percent of the total Indian population⁷.
49. The premier counter terrorism agency of India, National Investigation Agency (NIA) is highly active in monitoring, arresting and prosecuting suspected 'terrorist' in Manipur. The recent judgment of the designated NIA court, Assam has convicted 18 Manipuri political activists, including Chairman of the UNLF, for attempting to wage war against India in order to attain the independence of Manipur.

E. Indigenous Peoples and Development Aggression

50. ***Non Recognition of Indigenous Peoples Rights:*** Government of India refuses to implement the UN Declaration on the Rights of Indigenous Peoples, 2007 (UNDRIP), and also refuses to recognize the very term "indigenous peoples" as it regards all peoples in India as Indigenous. The implication is the non-recognition of indigenous peoples' right to self-determination on her soil.
51. ***Development processes:*** Development processes, incompatible to the traditional values and wishes, aspirations of indigenous communities are introduced in Manipur without recognition of indigenous peoples Self Determination over their land and resources. Manipur has increasingly been subjected to expropriation of its land and natural resources in India's pursuance of economic development. Policy measures such as India's Look East policy, already led to the already intense pressure on land, natural resources and lives of indigenous peoples in Manipur.

⁷ <http://www.thehindu.com/news/national/other-states/northeast-accounts-for-42-of-sedition-cases/article9070782.ece>

According to the National Crime Records Bureau (NRCB) in 2015, the country recorded 894 UAPA cases of which 544 were from Manipur.

52. **Mega-Dams:** One of the major development concerns is the pursuance of mega dams in Manipur. The Manipur Hydroelectric Power Policy, 2012, has been formed to build mega dams across almost every tangible rivers of Manipur. The policy has no provision to recognize indigenous peoples' rights over their land and to take their free, prior and informed consent. The Government of Manipur signed four new Memorandum of Agreement on August 28, 2014 with the North Eastern Electric Power Corporation for construction of 60 MW Irang HEP, 51 MW Tuivai HEP, the 67 MW Khongnem Chakha and 190 MW Pabram HEP projects⁸. The Government of India has aggressively been trying to construct the 1500 MW Tipaimukh Multipurpose Hydroelectric Project despite widespread objections from the indigenous peoples.
53. Mapithel dam on the Thoubal River and the Loktak Multipurpose Hydroelectric Project have led to widespread submergence of agriculture land, forest, and homestead land⁹. These dams were constructed without taking the free prior and informed consent of the affected villagers.
54. **Oil Exploration in Manipur:** Again, without the consent of all indigenous peoples of Manipur, the Government of India, through its Ministry of Petroleum and Natural Gas, granted license to Jubilant Oil and Gas Private Limited (JOGPL) a company based in Netherlands, for exploration and drilling works in two oil blocks in Manipur that are located in the Jiribam (Imphal East), Tamenglong, and Churachandpur districts. The government of India and Jubilant Energy both failed to recognize that oil and all resources in Manipur belongs to the indigenous peoples of Manipur and that they have exclusive rights to define and decide how to use, control, and manage their resources¹⁰.
55. **Large Scale Infrastructure Projects:** Allied large scale infrastructures are created in the NE region to facilitate the expropriation of land, forest, water and other resources. The World Bank currently financed the development of High Voltage Transmission and Distribution line in Manipur and other parts of India's Northeastern region, intending to connect almost areas demarcated for power generations along key Rivers of Manipur with a total cost of Rs 9890.16 crore. The ADB and JICA's financing of extensive road will facilitate the construction of these mega dams, as well as oil exploration and mining throughout the region.
56. The increased involvement of IFIs for road building and other allied infrastructure in Manipur and across India's North East is also linked to a rise in concessions for mining and other extractive industries. The connectivity projects such as the Trans Asian Railway project and the Trans Asian Highway project, etc., already led to widespread impacts on indigenous communities in Manipur.
57. Indigenous peoples of Manipur are further worried that with the opening of India's economy and its border to International Free Trade Agreements, such as the India-ASEAN Free Trade Agreement of 2009 and Indo-Myanmar border trade agreement of 1994 and the pursuance of India's Look East policies, series of large scale infrastructure projects will lead to unabated influx of non-indigenous populations from outside Manipur.

⁸ Fact Sheet on Mega Dams in Manipur, Peoples Goals for Development Justice, June 26, 2015
<http://peoplesgoals.org/devjustice/campaigns/manipur/fact-sheet-on-mega-dams-in-manipur/>

“Construction of Hydro-electricity dam in North Eastern Region towards Economic Development”, Samit Chowdhury and Swarnali Das, Meghalaya Times, 16 February 2012
<http://meghalayatimes.info/index.php/writer-s-column/3260-construction-of-hydro-electricity-dam-in-north-eastern-region-towards-economic-development>

⁹ “Mapithel Dam: Stop violating international standards”, Imphal Times, 11 April 2015
<http://www.imphaltimes.com/it-articles/item/2502-mapithel-dam-stop-violating-international-development-standards>

¹⁰ Union Government releases Hydrocarbon Vision 2030 for North-East February 10, 2016
<http://currentaffairs.gktoday.in/union-government-releases-hydrocarbon-vision-2030-north-east-02201630359.html>

58. Development Processes and Militarization: There is direct correlation between the imposition of Armed Forces Special Powers Act, 1958 and undertaking of various developmental projects in Manipur. The military in the name of law and order are used to endorse the same by the State and the corporate bodies. This jeopardizes the livelihood chances of the indigenous peoples and enhances their displacements.
59. The ongoing development onslaught in Manipur, with heavy militarization despite the recommendation of UN Special Rapporteur on Indigenous Peoples to the Government of India, is a clear signs of discrimination against indigenous peoples of Manipur and disregard of recommendations of the UN human rights bodies such as UN CERD Committee to repeal the infamous Armed Forces Special Powers Act, 1958 and the recommendations of several special Rapporteurs, UN SR on Violence against Women, UN SR on Extra Judicial Execution and the UN SR on Human Rights Defenders, etc., remain unimplemented.

F. Demographic Challenge and Resistance

60. One of the serious challenges confronting the indigenous peoples of Manipur is the state sponsored infusion of outsiders/migrants in indigenous territories. It has implications to their survival as peoples and also leading to land alienation, economic subjugation, political repression, loss of indigenous culture and traditional, conflict and others.
61. Although the people of Manipur has been demanding legislation/implementation of a law to protect the indigenous people since the 1980s, the Government of India as well as the Government of Manipur has not taken up any measure to safeguard the same.
62. At present, the Joint Committee on Inner Line Permit System is spearheading a peoples' movement for regulation of unchecked, artificial explosion of demographic imbalance and the resultant crisis on issues of identities, culture, dignity, and respect for diversity, pluralism and democracy which are fundamentally challenged by the lack of vision of the Government. The movement in short is to protect the indigenous peoples of Manipur.
63. It is worth mentioning that from a Census population estimate of some 500,000 in the 1950s, the population of Manipur jumped to around 2,800,000 in 2011. This is a massive 4.6 times increase in 60 years, abnormal and scary in character. Further, the decadal growth rate of Manipur's population was persistently above the growth rate of Indian population (**Annexure II**). In a study conducted by the United Committee Manipur, "Influx of Migrants in Manipur", it was ascertained that the number of migrant population in Manipur as on December 1948 was only 2,719. But it shot up to more than 400 times by 2011, reaching the figure of more than 10 lakhs (**Annexure III**). According to the Joint Committee on Inner Line Permit System, by 2016, the migrant population has reached 1038615 which outnumber the total population of the Schedule Tribe of the State¹¹.
64. Abnormal increase of the migrant population has serious implications on the land, resources, labour and even socio-economic benefits of the indigenous people. Manipur by virtue of her unique social traditions of pluralism have so far avoided violent clashes like that of Assam and Tripura.
65. Absence of institutional mechanisms to regulate the entry of unwanted populations and address the critical alienation of native lands to outsiders, the insufficient implementation of labour laws, and to enact a fresh law to regulate and control the crisis of influx are all yet to be addressed with all sincerity and trust between the stake holders – the Government and the indigenous people.

G. Recommendations to the Government of India

- a. Government of India should respect the Manipur peoples' right to self-determination as per the General Assembly Resolution 1514, International Covenant on Civil and Political Rights,

¹¹ Memorandum submitted by the Joint Committee on Inner Line Permit System to the President of India (through the Chief Secretary of Manipur), Imphal, April 23, 2016.

International Covenant on Economic, Social and Cultural Rights and Declaration on Rights of Indigenous Peoples and seek a political solution to the ongoing armed conflict in Manipur.

- b. Government of India should repeal *Armed Forces Special Powers Act, 1958* as recommended by previous UPR Working Group, Human Rights Committee, Committee on Economic Social and Cultural Rights, Committee on Elimination of Racial Discrimination, Committee on Elimination of Decimation Against Women as well as the Special Rapporteurs on Human Rights Defender, Summary, Arbitrary and Extra-judicial Execution, Violence Against Women etc.
- c. Government of India should also repeal other security legislations and counter terrorism measures, such as the Unlawful Activity Prevention Act, 1967, National Security act, 1980 etc
- d. Government of India should promptly investigate and prosecute all Indian security forces involved in gross human rights violations.
- e. That the Government of India should remove all its “Reservations” and “Declarations” on all International Conventions and Treaties.
- f. The government of India should ensure that all MoUs for mega dams in Manipur, without indigenous peoples free, prior and informed consent be withdrawn.
- g. The Government of India and Jubilant Energy should stop all petroleum and drilling related activities in Manipur till indigenous peoples over their land and resources are recognized.
- h. Policies introduced such as the North East Hydrocarbon Policy, 2030, the Manipur Hydroelectric Policy of 2012, Manipur Loktak Lake Protection Act, 2006, should be repealed.
- i. Stop all plans for forced commissioning of Mapithel Dam. The 105 MW Loktak Multipurpose Hydroelectric Project should be decommissioned
- j. The Government should stop targeting human rights defenders and indigenous organizations involved in promoting sustainable development and in challenging destructive projects
- k. All projects financed by IFIs should take the free, prior and informed consent of indigenous peoples and fully adheres with the provisions of the UNDRIP
- l. Recognition of indigenous people as ‘indigenous’ by guaranteeing all indigenous rights of protection and positive discrimination that includes ownership over land and resources.
- m. The Government should fully implement the provisions of the UN Declaration on the Rights of Indigenous Peoples, 2007
- n. Ratify ILO 169 on Indigenous and Tribal Peoples